



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Paul Ugo  
Stonybrook Motor Lodge  
1098 Profile Road  
Franconia, New Hampshire 03580

LETTER OF DEFICIENCY  
WMB PBF 02-59  
August 30, 2002

Dear Mr. Ugo

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On August 22, 2002, DES inspected the outdoor pool at the Stonybrook Motor Lodge, in Franconia, NH ("Outdoor Pool"). During this inspection the following deficiencies were noted:

- 1 A recommendation to close and super chlorinate the Outdoor Pool was issued on August 22, 2002. The inspection on August 22, 2002 revealed that the Outdoor Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Outdoor Pool water:
  - (a) Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The Outdoor Pool water contained 9 CTS/100mL of total coliform bacteria.
  - (b) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Outdoor Pool water contained greater than 200 CTS/100mL.
- 2 Env-Ws 1103.15(c) requires a free residual chlorine concentration between 1.0 mg/L and 3.0 mg/L in public pool water. The free chlorine residual of the Outdoor Pool water was less than 0.1 mg/L on August 22, 2002.
- 3 Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Outdoor Pool water was 4.0 on August 22, 2002.
- 4 Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. No written records were available at the time of the inspection relative to the required testing of the Outdoor Pool water.

- 5 Env-Ws 1104.04(a) requires the following safety devices to be present at all public pools: (1) a light, strong pole not less than 12 feet long, including a body hook, and (2) a minimum one-fourth inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately 15 inches or a similar flotation device. These safety devices were not present at the Outdoor Pool at the time of inspection.
- 6 Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Outdoor Pool at the time of the inspection.
- 7 Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Patron rules were not posted at the Outdoor Pool at the time of the inspection.
- 8 Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Outdoor Pool at the time of the inspection.
- 9 Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Outdoor Pool was not marked.
- 10 Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Outdoor Pool does not include self-closing and latching gates.
- 11 Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Outdoor Pool did not include a flow meter.
- 12 Pursuant to Env-Ws 1105.01(k)(10), public swimming pools shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. One of the outlet grates /main drain covers for the Outdoor Pool was loose.
- 13 Pursuant to Env-Ws 1105.01(k)(8), suction outlets shall be provided with a cover that has been tested and approved by a nationally recognized testing laboratory. Flat grates under 10" diameter do not meet the requirements of ANSI/NSF Standard 50 or ASME/ANSI A112.19.8M ("Suction Fittings for use in Swimming Pools, Wading Pool, Spas, Hot Tubs, and Whirlpool Bath Applications"). The Outdoor Pool has a flat grate under 10" diameter.
- 14 Swimming pool hydraulic design and filter systems shall comply with Env-Ws 1105.01(k). The circulation and filtration system for the Outdoor Pool does not comply with Env-Ws 1105.01(k) (2)-(8), (10), (13), (15), (17), or (19-b&d).

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- 1 A copy of two weeks of water quality test results for all facilities (please do not send originals).
- 2 The type, manufacture, and model of the flow meter to be installed.
- 3 The type, manufacture, and model of the main drain cover to be installed.
- 4 A plan of how the circulation system will be upgraded.
- 5 A timetable of when:
  - a. the safety items will be in place,
  - b. the depth will be marked,
  - c. patron rules will be posted,
  - d. the circulation system will be upgraded, and
  - e. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jody Connor', is written over the word 'COPY'.

Jody Connor  
Limnology Center Director

enclosures

cc Mark Harbaugh, Enforcement Attorney, DES ✓  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Philip A. Payette, Health Officer, Town of Franconia